

PATENT
ATTORNEY DOCKET NO.: 056291-5073

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

ROSAMUND et al.

U.S. Application No.: 10/069,062

Filed: February 21, 2002

FOR: PROTEIN

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) Group Art Unit: 1645
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) Examiner: Baskar, P.
)
)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Date: August 1, 2003

Sir:

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AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to Restriction Requirement responding to the Office Action dated July 1, 2001.

2. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, copies of __ references
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Small Entity Fee</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	410.00	205.00
<input type="checkbox"/> three months	930.00	465.00
<input type="checkbox"/> four months	1,450.00	725.00
<input type="checkbox"/> five months	1,970.00	985.00

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If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$0.00

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

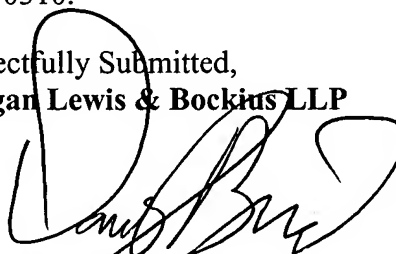
5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	4	minus	20	0	x \$18.00 each=	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$84 each=	\$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$280.00	\$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☒ The Director is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,
Morgan Lewis & Bockius LLP



Date: August 1, 2003
Morgan Lewis & Bockius LLP
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**RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT**

This is response to the Office Action dated July 1, 2003.

In response to the restriction requirement set forth therein, applicants hereby elect the invention of Group I, claims 1, 2, 10 and 15, drawn to the polypeptide, SEQ ID NO. 7, without prejudice to applicants' right to prosecute the non-elected subject matter in one or more divisional applications.

In accordance with the election, please amend the claims as follows: